

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GIGAMON, INC.

v.

APCON, INC.

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Case No. 2:19-cv-00300-JRG

**MINUTES FOR JURY TRIAL DAY NO. 3
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
April 20, 2021**

OPEN: 08:24 AM**ADJOURN: 06:08 PM**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANT:	See attached.
LAW CLERKS:	Lee Matalon Will Nilsson Cason Cole
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Andrea Brunson

<u>TIME</u>	<u>MINUTES</u>
08:24 AM	Court opened.
08:24 AM	Exhibits used prior day read into the record.
08:27 AM	Defendant re-urged <i>Daubert</i> motion (Dkt. No. 160). Ms. Schmidt presented for the Defendant. Court overruled motion.
08:29 AM	Jury entered the courtroom.
08:30 AM	Direct examination of Professor Kevin Jeffay by Mr. McDavit, continued.
08:51 AM	Courtroom sealed.
08:57 AM	Courtroom unsealed.
08:57 AM	Direct examination of Professor Kevin Jeffay by Mr. McDavit, continued.
09:05 AM	Cross examination of Professor Kevin Jeffay by Mr. Deoras.
09:42 AM	Redirect examination of Professor Kevin Jeffay by Mr. McDavit.
09:50 AM	Recross examination of Professor Kevin Jeffay by Mr. Deoras.
09:55 AM	Further redirect examination of Professor Kevin Jeffay by Mr. McDavit.
09:55 AM	Witness excused.
09:56 AM	Jury recessed for morning break.

<u>TIME</u>	<u>MINUTES</u>
09:56 AM	Court recessed for morning break.
10:16 AM	Court reconvened.
10:17 AM	Court heard disputed issue re: Court's claim construction. Mr. Kellman argued on behalf of the Plaintiff. Mr. Alper argued on behalf of the Defendant. Court reinforces its prior ruling for the reasons recited into the record.
10:24 AM	Jury returned to courtroom.
10:25 AM	Witness sworn. Direct examination of Mr. Richard Rauch (adverse witness) by Mr. Davis.
11:14 AM	Cross examination of Mr. Richard Rauch by Mr. De Vries.
11:33 AM	Redirect examination of Mr. Richard Rauch by Mr. Davis.
11:36 AM	Recross examination of Mr. Richard Rauch by Mr. De Vries.
11:37 AM	Witness excused.
11:38 AM	Jury recessed for lunch.
11:39 AM	Court recessed for lunch.
12:54 PM	Court reconvened.
12:55 PM	Jury returned to courtroom.
12:56 PM	Witness sworn. Direct examination of Dr. Stephen Becker by Mr. Balcof.
02:07 PM	Cross examination of Dr. Stephen Becker by Ms. Schmidt.
02:44 PM	Redirect examination of Dr. Stephen Becker by Mr. Balcof.
02:48 PM	Witness excused.
02:48 PM	Plaintiff rests its case in chief.
02:49 PM	Jury recessed for afternoon break.
02:49 PM	Court ordered the parties to (1) meet and confer; and (2) submit and furnish to the Court (via email to the law clerk) an updated joint submission of proposed final jury instructions and verdict form in Word version format by 3:00 PM tomorrow.
02:51 PM	Court recessed for afternoon break.
03:17 PM	Court reconvened.
03:17 PM	Jury returned to courtroom.
03:18 PM	Direct examination of Mr. Richard Rauch by Mr. De Vries.
03:45 PM	Cross examination of Mr. Richard Rauch by Mr. Davis.
03:50 PM	Redirect examination of Mr. Richard Rauch by Mr. De Vries.
03:51 PM	Witness excused.
03:51 PM	Witness sworn. Direct examination of Mr. Gerry Murphy by Mr. Alper.
04:30 PM	Cross examination of Mr. Gerry Murphy by Mr. Kellman.
05:01 PM	Jury recessed for afternoon break.
05:03 PM	Court recessed for afternoon break.
05:22 PM	Court reconvened.
05:23 PM	Jury returned to courtroom.
05:23 PM	Cross examination of Mr. Gerry Murphy by Mr. Kellman, continued.
05:34 PM	Redirect examination of Mr. Gerry Murphy by Mr. Alper.
05:39 PM	Recross examination of Mr. Gerry Murphy by Mr. Kellman.
05:41 PM	Further redirect examination of Mr. Gerry Murphy by Mr. Alper.
05:42 PM	Witness excused by the Court.
05:42 PM	Mr. Alper introduced the video deposition of Mr. King Won.

<u>TIME</u>	<u>MINUTES</u>
06:03 PM	Video deposition of Mr. King Won concluded.
06:06 PM	Jury recessed for the day.
06:08 PM	Court recessed for the day.